IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital the July 5, 20056
Criminal Bail Application No. 579 of 2006
Order on the bail application of accused

CRIMINAL SIDE

1. Ajab Singh S/o Tirkha Singh
2. Vijendra S/o Pahal Singh
   Both R/o Village Sherpur Khelmau
   P.S. Jhabrera
   District Haridwar ….Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 52 of 2006
Under Sections 147, 148, 149, 302, 307, 323, 201 I.P.C.
Police Station Jhabrera
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 52 of 2006 under Sections 147, 148, 149, 302, 307, 323, 201 of I.P.C., Police Station Jhabrera District Haridwar.

Heard Sri Rajendra Kotiyal, learned counsel for the applicants, Sri Manish Arora, learned counsel for the complainant, learned A.G.A. and perused the record.

The applicants are attributed the role of having *Tabal* and *Lathi* in their hands at the time of the occurrence. They are also alleged to have caused the injuries with their respective weapons. The post mortem report of Sukhpal Singh indicates that he sustained gunshot wound, which resulted his death.

However, there is a cross version from the side of the applicants. The applicants have filed the medical examination report showing that certain persons from the side of the accused have also sustained injuries on their person.

Keeping in view the cross version as well as the injuries sustained from both sides, I am of the view that it appears to be a free fight at this stage, therefore, the applicants are entitled to be released on bail.

Having considered the aforesaid facts and circumstances of the case, I think it would be just and proper to release the applicant on bail at this stage.

Let the applicants be released on bail on their executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

05.07.2006
ASWAL